

USSN: 10/786,824
Group No. 1772
Examiner: Simone, Catherine A
Page 2

REMARKS

Restriction requirement

In the Office Action of November 30, 2005 the Examiner asserts, in a restriction requirement, that the present application contains claims directed to two distinct groups of the claimed invention, Group I (claims 1-52) and Group II (claims 53 and 54).

The Applicant requests that the Examiner reconsider the requirement for restriction as discussed below.

1. The Applicant notes that 35 USC § 121 authorizes, but does not require, the USPTO to restrict an application to one invention if two or more independent and distinct inventions are claimed in one application. In view of the expense that would be imposed upon the Applicant by multiple patent applications and multiple patents, it is believed that restriction requirements should be issued only when absolutely necessary.

2. The Applicant further notes that the total number of Group II claims 53 and 54 is only two. The Examiner is respectfully reminded of MPEP 803, which states that '[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.'

Therefore, the Applicant submits that the restriction requirement set forth in the Office Action of November 30, 2005 is improper. As such, reconsideration is respectfully requested and the Examiner is respectfully requested to withdraw the restriction requirement. However, as required under 35 USC § 121, Applicant provisionally elects Group I claims 1-52.

USSN: 10/786,824
Group No. 1772
Examiner: Simone, Catherine A
Page 3

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax no. (571)-273-8300 on

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(Date of Deposit)

Susan Papp
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12/28/05
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